

*The Honorable Marsha J. Pechman*

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

YOLANY PADILLA, IBIS GUZMAN, BLANCA  
ORANTES, BALTAZAR VASQUEZ,  
Plaintiffs-Petitioners,

v.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
("ICE"); U.S. DEPARTMENT OF HOMELAND  
SECURITY ("DHS"); U.S. CUSTOMS AND BORDER  
PROTECTION ("CBP"); U.S. CITIZENSHIP AND  
IMMIGRATION SERVICES ("USCIS"); EXECUTIVE  
OFFICE FOR IMMIGRATION REVIEW ("EOIR");  
MATTHEW ALBENCE, Acting Director of ICE; KEVIN  
MCALEENAN, Acting Secretary of DHS; MARK  
MORGAN, Acting Commissioner of CBP; KEN  
CUCCINELLI, Acting Director of USCIS; MARC J.  
MOORE, Seattle Field Office Director, ICE, WILLAIM  
BARR, United States Attorney General; LOWELL CLARK,  
warden of the Northwest Detention Center in Tacoma,  
Washington; CHARLES INGRAM, warden of the Federal  
Detention Center in SeaTac, Washington; DAVID SHINN,  
warden of the Federal Correctional Institute in Victorville,  
California; JAMES JANECKA, warden of the Adelanto  
Detention Facility;

Defendants-Respondents.

No. 2:18-cv-928 MJP

**JOINT STIPULATION  
AND [PROPOSED]  
ORDER CLARIFYING  
SCOPE OF CLASS**

NOTE ON MOTION  
CALENDAR: AUGUST 28,  
2019.

Pursuant to Local Civil Rules 7(d)(1) and 10(g), Plaintiffs and Defendants hereby stipulate and jointly move the Court for an Order clarifying the scope of the class that is certified in this case. The Bond Hearing class is presently defined as:

**Bond Hearing Class:** All detained asylum seekers who entered the United States without inspection, were initially subject to expedited removal proceedings under 8 U.S.C. § 1225(b), were determined to have a credible fear of persecution, but are not provided a bond hearing with a verbatim transcript or recording of the hearing within seven days of requesting a bond hearing.

1 The parties request that the Court clarify that the Bond Hearing Class includes individuals who  
2 were determined to have a credible fear of torture, not just individuals who were determined to  
3 have a credible fear of persecution and who otherwise meet the criteria for class membership. *See*  
4 ECF 102.

5 The parties request this Order to clarify Defendants obligations pursuant to the preliminary  
6 injunction entered by this Court (as partially stayed by the Ninth Circuit).

1 RESPECTFULLY SUBMITTED this 28th day of August, 2019.

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**[PROPOSED] ORDER**

Based on the foregoing stipulation of the parties, IT IS SO ORDERED. The Court hereby CLARIFIES that the Bond Hearing Class includes individuals who otherwise satisfy the requirements for class membership but were determined to have a credible fear of torture, rather than only individuals determined to have a credible fear of persecution. Accordingly, the preliminary injunction in this case (as partially stayed by the Ninth Circuit), applies to these individuals.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
THE HONORABLE MARSHA J. PECHMAN  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on August 28, 2019, I had the foregoing electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure.

/s/ Lauren C. Bingham  
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